

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ASSOCIATION FOR MOLECULAR)
PATHOLOGY; AMERICAN COLLEGE OF) No. 09 Civ. 4515 (RWS)
MEDICAL GENETICS; AMERICAN SOCIETY)
FOR CLINICAL PATHOLOGY; COLLEGE OF)
AMERICAN PATHOLOGISTS; HAIG)
KAZAZIAN, MD; ARUPA GANGULY, PhD;)
WENDY CHUNG, MD, PhD; HARRY OSTRER,)
MD; DAVID LEDBETTER, PhD; STEPHEN)
WARREN, PhD; ELLEN MATLOFF, M.S.;)
ELSA REICH, M.S.; BREAST CANCER) ECF Case
ACTION; BOSTON WOMEN'S HEALTH)
BOOK COLLECTIVE; LISBETH CERIANI;)
RUNI LIMARY; GENAE GIRARD; PATRICE)
FORTUNE; VICKY THOMASON; KATHLEEN)
RAKER,)
Plaintiffs,)
v.)
UNITED STATES PATENT AND)
TRADEMARK OFFICE; MYRIAD GENETICS;)
LORRIS BETZ, ROGER BOYER, JACK)
BRITTAINE, ARNOLD B. COMBE, RAYMOND)
GESTELAND, JAMES U. JENSEN, JOHN)
KENDALL MORRIS, THOMAS PARKS,)
DAVID W. PERSHING, and MICHAEL K.)
YOUNG, in their official capacity as Directors of)
the University of Utah Research Foundation,)
Defendants.)

1. I am a member of the bar of this Court and a member of the law firm of Jones Day. Jones Day is counsel in this action to defendants Myriad Genetics, Lorris Betz, Roger Boyer, Jack Brittain, Arnold B. Combe, Raymond Gesteland, James U. Jensen, John Kendall Morris, Thomas Parks, David W. Pershing and Michael K. Young.

2. I offer this declaration in support of the foregoing defendants' reply to plaintiffs' opposition to Myriad's motion for summary judgment.
3. Attached hereto as Exhibit 1 is a true and correct copy of sections of the file histories corresponding to U.S. Patent Nos. 5,709,999, 5,710,001, 5,753,441, and 6,033,857. Included documents are:
 - (a) Cover Sheet and the Notice of Allowability from the file history for U.S. Patent No. 5,709,999 (pp. 1-7).
 - (b) Cover Sheet, Amendment filed September 12, 1996, and the Notice of Allowability from the file history for U.S. Patent No. 5,710,001 (pp. 8-23).
 - (c) Cover Sheet and the Notice of Allowability from the file history for U.S. Patent No. 5,753,441 (pp. 24-32).
 - (d) Cover Sheet and the Notice of Allowability with the Examiner's Amendment from the file history for U.S. Patent No. 6,033,857 (pp. 33-42).
4. Attached hereto as Exhibit 2 is a true and correct copy of Patrice Watson *et al.*, *Detecting BRCA2 Protein Truncation in Tissue Biopsies to Identify Breast Cancers That Arise in BRCA2 Gene Mutation Carriers*, 27(24) J. CLIN. ONCOL., 3894 (2009).
5. Attached hereto as Exhibit 3 is a true and correct copy of International Patent Application No. PCT/US2008/080358 (WO 2009/052417).
6. Attached hereto as Exhibit 4 is a true and correct copy of Amir A. Jazaeri *et al.*, *Gene Expression Profiles of BRCA1-Linked, BRCA2-Linked, and Sporadic Ovarian Cancers*, 94(13) J. Natl. Cancer Inst., 990 (2002).

7. Attached hereto as Exhibit 5 is a true and correct copy of International Patent Application No. PCT/US2003/004688 (WO 2003/068054).

I declare under penalty of perjury
that the foregoing is true and correct.



Laura A. Coruzzi

Executed on January 29, 2010.

CERTIFICATE OF SERVICE

This is to certify that on January 29, 2010, a true and correct copy of the foregoing document has been served on all counsel of record via the court's ECF system.

/s/ Brian M. Poissant

Brian M. Poissant